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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,054	09/18/2006	Zhicheng Shao	NFE-111US	3587

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GLOBAL IP SERVICES
7285 W. Eagle Court
Winton, CA 95388

EXAMINER

ALEXANDER, REGINALD

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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05/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,054	Applicant(s) SHAO, ZHICHENG	
	Examiner Reginald L. Alexander	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,11-15 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 3,4,9,10 and 16-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 7 and 15, there is no antecedent basis for the "upper opening" of the inner vessel or "opening" of the kettle body.

In claims 5, 13 and 21, there is no antecedent basis for the "coincident part".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert.

There is disclosed in Lambert a beverage making device, comprising: a kettle body 2; an inner vessel 13 on a bottom area of the kettle body; a funnel 15 on an upper opening of the inner vessel; an upper filtering member 20 and a lower filtering member 28 within the funnel; a cap 24 on the inner vessel and partially covering an opening in the kettle body; a pipe 25 associated with the cap and extending from a cavity of the

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inner vessel to a space between the kettle body and the inner vessel; and an electric heater 8 associated with the kettle body and forming a metal bottom for the inner vessel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manciola in view of Perez.

There is disclosed in Manciola a beverage making device, comprising: a kettle body 3; and inner vessel 1 located on a bottom of the kettle body; a funnel 5 on an upper opening of the inner vessel; a lower filtering member 6 within the funnel; a cap 2 on the inner vessel and covering a lower opening of the kettle body, the cap having threads on an annular edge thereof; and a pipe 8 associated with the cap and extending from a cavity of the inner vessel to a space between the kettle body and the inner vessel.

Perez discloses that it is known in the art to have upper and lower filtering members within a funnel.

It would have been obvious to one skilled in the art to provide the funnel of Manciola with the upper filtering member taught in Perez, in order to ensure the coffee particles do not flow through the tube to the kettle.

Claims 7, 8, 11-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manciola in view of Perez and Taylor et al.

Manciola and Perez, as discussed above, disclose all of the claimed subject matter except for an electric heater and control therefor.

Taylor discloses, for use in a beverage making device having a kettle 4, an electric heater 24 mounted to the kettle bottom, the heater having a first electric connector for connection with the electric heater and second electric connector for connection with main power being set up on the kettle body and a base 60, and a temperature controller 46 associated with the electric heater.

It would have been obvious to one skilled in the art to provide the funnel of Manciola with the upper filtering member taught in Perez, in order to ensure the coffee particles do not flow through the tube to the kettle.

It would have been obvious to one skilled in the art to provide the device of Manciola with the electric heater and base arrangement taught in Taylor, in order to prevent the need for an external heating source for preparation of a beverage.

Claims 15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert in view of Taylor et al.

Lambert, as discussed above, discloses all of the claimed subject matter except for a base.

Taylor discloses, for use in a beverage making device having a kettle 4, an electric heater 24 mounted to the kettle bottom, the heater having a first electric connector for connection with the electric heater and second electric connector for

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connection with main power being set up on the kettle body and a base 60, and a temperature controller 46 associated with the electric heater.

It would have been obvious to one skilled in the art to substitute the heater arrangement of Lamber with the electric heater and base arrangement taught in Taylor, in order to provide a cordless connection which will allow power to be supplied to the heater.

Allowable Subject Matter

Claims 3, 4, 9, 10 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Klosinki et al., Lescure, Dewald and Warner are cited for their disclosure of the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Reginald L. Alexander/
Primary Examiner
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